

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

JEAN PAGE,

Plaintiff,

v.

FAIR COLLECTIONS AND
OUTSOURCING, INC.,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, JEAN PAGE (“Plaintiff”), by her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against Defendant FAIR COLLECTIONS AND OUTSOURCING, INC. (“Defendant”):

INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant’s violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d) and 28 U.S.C. §1331.

3. Defendant conducts business and maintains its headquarters in the State of Maryland, therefore personal jurisdiction is established.

1 4. Venue is proper pursuant to 28 U.S.C. §1391(b)(1) and 28 U.S.C. §1391(b)(2).

2 **PARTIES**

3 5. Plaintiff is a natural person, who resides in Silver Spring, Maryland.

4 6. Defendant is a debt collection company, which maintains its headquarters at
5 12304 Baltimore Avenue, Suite E, Beltsville, Maryland 20705.

6 7. At all relevant times, Defendant acted as a “debt collector” within the meaning of
7 15 U.S.C. § 1692(a)(6), and attempted to collect a “debt” as defined by 15 U.S.C. §1692(a)(5).

8 8. Defendant acted through their agents, employees, officers, members, directors,
9 heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.
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12 **FACTUAL ALLEGATIONS**

13 9. At all relevant times, Defendant attempted to collect an alleged consumer debt
14 from Plaintiff, related to an apartment rental.

15 10. The alleged debt arose out of transactions that were for personal, family or
16 household purposes.

17 11. Further, as Plaintiff has no business debt, the debt sought by Defendant could
18 have only been personal in nature.

19 12. From September 2011 to the present, Defendant has placed continuous harassing
20 telephone calls to Plaintiff’s home and work telephones.

21 13. Defendant’s harassing collection calls originated from numbers including, but not
22 limited to (240) 374-5474. The undersigned has confirmed this number belongs to Defendant.
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1 14. Defendant's collectors were rude and aggressive with Plaintiff, informing her that
2 payment must be immediate and must be the entire amount demanded, regardless of Plaintiff's
3 current financial circumstances. This behavior has caused the Plaintiff fear and anxiety.

4 15. Defendant's collectors often called Plaintiff three times in a given day.

5 16. Plaintiff also received back-to-back calls from defendant's collectors.

6 17. Defendant's collectors also called Plaintiff after 9:00 pm and before 8:00 am.

7 18. Defendant's collectors called and hung up on some occasions when the call had
8 been answered.

9 19. On several occasions, Defendant's collectors failed to identify themselves as debt
10 collectors in contacts with Plaintiff.

11 20. Defendant's collectors were informed that personal calls at work were not
12 permitted by Plaintiff's employer, and to stop calling there, to which the collectors responded by
13 stating that they would continue to call her at work until the alleged debt is collected. This
14 caused Plaintiff to become anxious about the impact of such conduct.

15 21. Plaintiff has never received any mail from Defendant and has no idea as to the
16 amount of the debt or other details.

17 22. Defendant's collectors never notified Plaintiff in writing to inform her of her
18 rights to dispute the debt in writing and/or to seek verification.

19 23. Defendant acted with intent to intimidate, annoy, harass, and coerce payment.
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COUNT I
DEFENDANT VIOLATED §1962c(a)(1) OF THE
FAIR DEBT COLLECTION PRACTICES ACT

24. Section 1692c(a)(1) of the FDCPA prohibits debt collectors from contacting a consumer at a time known to be inconvenient. Unless the consumer notifies the debt collector otherwise, the presumed time that is appropriate to call consumers is before 8:00 A.M. or after 9:00 P.M., local time at the consumer's location.

25. Defendant violated §1692c(a)(1) of the FDCPA by calling after 9:00 P.M. on and before 8:00 A.M. on Saturdays.

COUNT II
DEFENDANT VIOLATED §1692c(a)(3) OF THE
FAIR DEBT COLLECTION PRACTICES ACT

26. Section 1692c(a)(3) of the FDCPA prohibits collectors from calling a consumer's place of employment if the debt collector knows that the consumer's employer prohibits such communication.

27. Defendant violated section 1692c(a)(3) of the FDCPA by calling Plaintiff at her place of employment even after the Plaintiff told her that she could not take personal calls at work.

COUNT III
DEFENDANT VIOLATED § 1692d OF THE
FAIR DEBT COLLECTION PRACTICES ACT

28. Section 1692d of the FDCPA prohibits debt collectors from engaging in any conduct the natural consequence of which is to harass, oppress or abuse any person in connection with the collection of a debt.

1 29. Defendant violated § 1692d of the FDCPA when it harassed Plaintiff by calling
2 repeatedly and continuously, by being aggressive with Plaintiff on the telephone, by refusing to
3 stop the phone calls to Plaintiff's work even though Plaintiff told the collectors to stop, by
4 attempting to intimidate Plaintiff by telling her that they will call her until the debt is collected,
5 and when it engaged in other harassing or abusive conduct.
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8 **COUNT IV**
9 **DEFENDANT VIOLATED 1692d(5) OF THE**
10 **FAIR DEBT COLLECTION PRACTICES ACT**

11 30. Section 1692d(5) of the FDCPA prohibits debt collectors from causing a
12 telephone to ring or engaging any person in telephone conversation repeatedly or continuously
13 with the intent to annoy, abuse or harass any person at the called number.

14 31. Defendant violated section 1692d(5) of the FDCPA when it caused Plaintiff's
15 telephone to ring repeatedly, sometimes up to three times a day, and continuously with the intent
16 to harass or annoy Plaintiff.

17 **COUNT V**
18 **DEFENDANT VIOLATED § 1692e OF THE**
19 **FAIR DEBT COLLECTION PRACTICES ACT**

20 32. Section 1692e of the FDCPA prohibits debt collectors from using false, deceptive
21 or misleading representation or means in connection with the collection of any debt.

22 33. Defendant violated §1692e of the FDCPA, when it used deceptive means by
23 failing to give the Plaintiff any information on the alleged debt, including not telling the Plaintiff
24 the amount of the alleged debt and failing to disclose communications were from a debt
25 collector, and by using other deceptive or misleading conduct.

COUNT VI
DEFENDANT VIOLATED 1692e(10) OF THE
FAIR DEBT COLLECTION PRACTICES ACT

34. Section 1692e(10) of the FDCPA prohibits debt collectors from using false representations or deceptive means to collect a debt or to obtain information from a consumer.

35. Defendant violated §1692e(10) of the FDCPA by failing to give the Plaintiff any information on the alleged debt, including not telling the Plaintiff the amount of the alleged debt, nor why they were calling Plaintiff, when it failed to disclose communications were from a debt collector and when it made other false, deceptive or misleading representations.

COUNT VII
DEFENDANT VIOLATED 1692e(11) OF THE
FAIR DEBT COLLECTION PRACTICES ACT

36. Section 1692e(11) of the FDCPA requires that debt collectors disclose that communications are from a debt collector in all communications with a consumer.

37. Defendant violated §1692e(11) of the FDCPA when it failed to disclose that communications were from a debt collector.

COUNT VIII
DEFENDANT VIOLATED § 1692f OF THE
FAIR DEBT COLLECTION PRACTICES ACT

38. Section 1692f of the FDCPA prohibits debt collectors from using unfair or unconscionable means to collect or attempt to collect an alleged debt.

39. Defendant violated §1692f of the FDCPA when it engaged in unfair and unconscionable conduct by being very aggressive with the Plaintiff, by continuing to call the

1 Plaintiff at work even after Plaintiff told Defendant's collectors that she could not take their calls
2 at work, by aggressively telling the Plaintiff that they would continue to call her until the debt is
3 collected, by calling Plaintiff up to three times a day, when it failed to disclose communications
4 were from a debt collector and when it engaged in other unfair or unconscionable conduct.
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7 **COUNT IX**
8 **DEFENDANT VIOLATED § 1692g OF THE**
9 **FAIR DEBT COLLECTION PRACTICES ACT**

10 40. Section 1692g of the FDCPA states that within five days after the initial
11 communication with a consumer in connection with the collection of a debt, a debt collector shall
12 send the consumer a written notice containing the amount of the debt and the name of the
13 creditor to whom the debt is owed.

14 41. Defendant violated § 1692g of the FDCPA when it failed to send the Plaintiff
15 notification of her right to dispute the debt or to demand verification thereof.

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17 **COUNT X**
18 **DEFENDANTS VIOLATED § 14-202 OF THE**
19 **MARYLAND CONSUMER DEBT COLLECTION ACT**

20 42. Section 14-202 of the Maryland Consumer Debt Collection Act prohibits debt
21 collectors from using unfair or unconscionable means to collect or attempt to collect an alleged
22 debt.

23 43. Defendant violated § 14-202 of the Maryland Consumer Debt Collection Act
24 when it called Plaintiff at inconvenient times, when it failed to disclose itself as a debt collector
25 and when it otherwise violated the Maryland Consumer Debt Collection Act.

1 WHEREFORE, Plaintiff, JEAN PAGE, respectfully prays for a judgment as follows:

- 2 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1) and MD
3 Code § 14-203;
- 4 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to
5 15 U.S.C. § 1692k(a)(2)(A);
- 6 c. Reasonable attorney's fees, witness fees, court costs and other litigation
7 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- 8 d. Any other relief deemed appropriate by this Honorable Court.
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10 **DEMAND FOR JURY TRIAL**

11 PLEASE TAKE NOTICE that Plaintiff, JEAN PAGE demands a jury trial in this case.

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14 DATED: 08/23/12

By: /s/ Amy L. Bennecoff

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